

Application S/N 10/700,716  
Amendment Dated: June 3, 2005  
Response to Office Action dated: March 4, 2005

CE10504JSW

### **REMARKS/ARGUMENTS**

Claims 1-26 are pending in the application. In the Office Action, the specification was objected to in view of several informalities. Applicants have provided amended paragraphs in response to the objection. In addition, the Examiner is correct in presuming that the subject matter of the claims was commonly owned at the time the inventions covered therein were made.

Claims 23-26 were allowed, and Applicants thank the Examiner for the allowance. Claims 1-3, 6-8, 10 and 20-22 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,493,338 to Preston, et al. (Preston). In addition, claims 11, 12 and 16-18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0219925 to Ahya, et al. (Ahya). Claims 4, 5 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Preston in view of well-known prior art. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ahya in view of Preston. Finally, claims 14, 15 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ahya in view of Preston as applied to claim 13 and further in view of well-known prior art.

Concerning the Ahya reference, Applicants direct the Examiner's attention to the attached Declaration of Prior Invention in the United States under 37 C.F.R. §1.131 to overcome the cited U.S. Patent Application Publication No. 2004/0219925 to Ahya, et al. (Ahya). Applicants respectfully submit that the rejection of claims 11, 12 and 16-18 under 35 U.S.C. 102(e) and claims 13-15 and 19 under 35 U.S.C. 103(a) in view of Ahya and the combination of Ahya with Preston and well-known prior art is moot in view of the submitted declaration.

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Turning to the Preston patent, a brief summary of this reference may be helpful here. Preston discloses a process of multichannel in-band signaling for data communications over a digital wireless telecommunications network. In particular, an in-band signaling (IBS) modem enables a cell phone to transmit digital data from a data source over a radio channel of a cellular network. The IBS modem modulates the digital data into synthesized digital data tones. The digital data tones prevent the encoding components in the cellular network and a landline network, such as a vocoder, from corrupting the digital data. Thus, the encoding and modulation scheme used in the IBS modem allows digital data to be transmitted through the same voice coder used in the cell phone for encoding voice signals. Preston, however, never mentions transmitting a first data and receiving a second data from another wireless device in which the second data is associated with the first data.

Independent claims 1 and 20 have been amended to clarify that a first data is transmitted to a second wireless device, and a second data is received from the second wireless device in which the second data is associated with the first data. As alluded to above, Preston never describes, shows or even suggests such a feature. Such a feature is not described in any of the other cited references, either.

Applicants also respectfully traverse the Examiner's contention in the rejection of dependent claims 4, 5, 14 and 15 that it is well known in the art to associate metadata with data to indicate synchronization and to synchronize data that has been modified when metadata indicates that the data was previously synchronized. Applicants admit that metadata is data that provides information about, for example, documents and content items that does not necessarily need to be displayed on a screen to a user.

Such information can include authorship, publication date, modification date or copyright

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information. Applicants do not believe, however, that the use of metadata to provide information about synchronization and to synchronize data when metadata indicates such synchronization is well known. Applicants request that the Examiner produce authority to support his position.

In view of the above, Applicants now believe that independent claims 1, 11 and 20 are patentable over the prior art. Applicants also believe that those claims that depend from independent claims 1, 11 and 20 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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